

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER TODD STEFANI,

Defendant.

CR-14-76-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 5, 2015. (Doc. 36). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Stefani appeared before Judge Johnston pursuant to Fed. R. Crim. P. 11. Stefani entered a plea of guilty to Manufacture of Methamphetamine, as set forth in Count II of the indictment. Under the terms of the plea agreement, the Government agrees to dismiss Counts I, II, IV, and V after Stefani is sentenced.

Judge Johnston made the following findings: (1) Stefani was fully competent and capable of entering an informed and voluntary plea; (2) Stefani was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) Stefani understands fully his constitutional rights, and the extent to which Stefani is waving those rights by pleading guilty; and, (4) Stefani's plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the count charged. (Doc. 36).

Judge Johnston also found that Stefani had adequate time to review the Plea Agreement with counsel, Stefani understands each provision of the agreement, and the statements in the Plea Agreement are true. (Doc. 36). Judge Johnston recommended that this Court accept Stefani's plea of guilty to Manufacture of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), as charged in Count II of the Indictment, and that sentenced be imposed. (Doc. 36).

This Court finds no clear error in Judge Johnston's Findings and Recommendations, and adopts them in full. The Court also adopts Judge Johnston's recommendation that this Court defer acceptance of the Plea Agreement (Doc. 33) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

IT IS ORDERED that Christopher Todd Stefani's Motion to Change Plea (Doc. 30) is GRANTED. **IT IS FURTHER ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 36) are ADOPTED IN FULL.

DATED this 24th day of March, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge